

civil rights protection & advocacy system for montana

disability rights
formerly Montana Advocacy Program **montana**

January 22, 2009

Senate Judiciary Committee
Sen. Gary Perry, Chairman

In support of SB 223, Hate Crimes

Dear Mr. Chairman and Members of the Committee,

On behalf of people with disabilities, we ask that you support this bill.

Montana has a "hate crimes" statute that expresses the judgment of our communities that when a crime is motivated by the desire to terrorize and oppress a certain minority group, it causes greater harm to the community and deserves an enhanced penalty.

People with disabilities are at least as vulnerable as the religious, racial and ethnic minorities protected by Montana's hate crimes law. In fact, thirty states and the District of Columbia have statutes expressly addressing crimes motivated by disability bias.

- People with disabilities are victimized at much higher rates than the rest of the population.
- In the National Crime Victimization Survey (Bureau of Justice Statistics, 2005), 11.2 % of crime victims reported disability bias as a motive.
- In the leading report on hate crime in the United States (Leadership Conference on Civil Rights Education Fund, 2004), crimes motivated by hatred of people with mental or physical disabilities were found least likely to be reported.
- Besides being unreported, crimes against people with disabilities are often not even considered crimes but are reported as "abuse."
- FBI hate crimes statistics suggest that two thirds of victims whose disabilities were the motivation for the crime were people with mental illness or cognitive disabilities. A study in England has discovered widespread harassment and bullying of children with learning disabilities. People with mental illness who are homeless are frequent targets of violence.
- Hate crimes are often crimes of extreme violence.

Hate crimes legislation has been criticized as an attempt to criminalize thought, but that

misconstrues the actual affect of crime motivated by hate. Hate crimes create terror within the entire targeted group. The harm caused by that terror is the hate crime.

A crime that targets a person with a disability is targeting a person who already lives—at the very least— with social stigma and the vulnerability caused by marginalization. Ignorance and prejudice affects the social relationships, economic opportunities, and virtually every other aspect of life for people with disabilities. Many people with disabilities are used to being overlooked and undervalued and isolated. A crime of violence intended to reinforce that message is that much more devastating.

Thank you for considering this effort to extend the protection of Montana's hate crimes law to people with disabilities.

Yours truly,

A handwritten signature in cursive script, reading "Anita Roessmann", followed by a horizontal line.

Anita Roessmann
Staff Attorney